

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	
Chris Cinkaj	:	Case No.: 15-18186
	:	Chapter 13
Debtor(s).	:	Judge Eric L. Frank
	:	*****
	:	

OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN

Now comes Nationstar Mortgage LLC ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Amended Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 827 Hulmeville Road, Langhorne, PA 19047.
2. Debtor's Chapter 13 Plan does not list Creditor's subject mortgage loan as a secured claim and makes no provision for curing the Creditor's existing arrearage claim, nor for the maintenance of post-petition payments. The arrears amount that Creditor has included in its proof of claim number 3 is \$92,761.74.
3. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v. American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.
4. In addition, Debtor's Plan proposed total plan payments of \$11,940.00, and therefore fails to comply with 11 USC § 1322(b)(5) which permits debtors to cure defaults while resuming and maintaining regular payments on long term obligations. That section

requires such defaults to be cured "within a reasonable time." The Chapter 13 Plan herein seeks the benefits of 11 USC § 1322 (b)(5), however, the Plan fails to comply with 11 USC § 1322 (b)(5) in that it does not provide for cure of Creditor's arrearage "within a reasonable time".

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Holly N. Wolf (322153)

Manley Deas Kochalski LLC

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, 1234 Market Street, Suite 1813, Philadelphia, PA
19107

Paul A. Stewart, Attorney for Chris Cinkaj, 333 East Lancaster Avenue, Suite 140,
Wynnewood, PA 19096, pstewart@legalthelm.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on July 14, 2016:

Chris Cinkaj, 827 Hulmeville Road, Langhorne, PA 19047

Specialized Loan Svcing, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129

DATE: 7/14/16

/s/ Karina Velter

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